

Date: October 16, 2007

Agenda Item No. 5(A)

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager



Subject: Road Closing Petition P-838
Section: 28-54-40
That Portion of the Alley West of SW 87 Avenue, Beginning 135 Feet North of SW 72
Street North for 150 Feet
Commission District: 7

Recommendation

It is recommended that the Board of County Commissioners (BCC) grant the attached Road Closing Petition following a public hearing. The Miami-Dade County Departments of Planning and Zoning, Public Works, Water and Sewer and Fire Rescue have no objection to these rights-of-way being closed.

Scope

This item is located within Commission District 7.

Fiscal Impact/Funding Source

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at \$18.00 per square foot. Therefore, the estimated value of the right-of-way being closed would be approximately \$54,000. If this right-of-way is closed and vacated, it will be placed on the tax roll, generating an estimated \$1,120 per year in additional property taxes. This petition was filed after October 1, 2004, when the BCC approved the resolution which amended Administrative Order 4-114 by creating the two tier fee system for Road Closing Petitions. Therefore, the total fee for this road closing is \$6,200.00, instead of \$750.00 which would have been the fee under the previous AO4-114 rules.

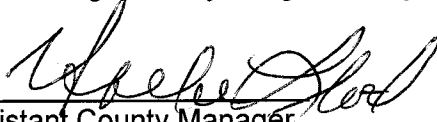
Track Record/Monitor

Not Applicable.

Background

The Petitioner, Galloway Development Group, Inc., wishes to close a portion of the alley west of SW 87 Avenue, beginning 135 feet north of SW 72 Street north for 150 feet, in order to unite the properties on both sides into one parcel. An access easement is being granted by the petitioner to allow vehicular and pedestrian traffic to exit and enter that portion of the alley that will remain open to the north of the subject property, which is depicted in the attached Exhibit "B".

The subject right-of-way was dedicated in 1947, by an instrument recorded in Deed Book 2921, Page 323, of the Public Records of Miami-Dade County, Florida. The deed contains a reverter clause which stipulates that the right-of-way reverts to the current owner of the abutting properties when its use as public right-of-way is lawfully and permanently discontinued. The area surrounding the subject right-of-way is zoned BU-2 (Special Business District).


Assistant County Manager

Note: The Clerk is directed to publish notice of a public hearing on a Road Closing Petition in a newspaper of general circulation in Miami-Dade County, one (1) time, at least two (2) weeks prior to the date of said public hearing in conformity with the statutory requirements.




MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: October 16, 2007

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 5(A)

Please note any items checked.

_____ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised

_____ 6 weeks required between first reading and public hearing

_____ 4 weeks notification to municipal officials required prior to public hearing

_____ Decreases revenues or increases expenditures without balancing budget

_____ Budget required

_____ Statement of fiscal impact required

_____ Bid waiver requiring County Manager's written recommendation

_____ Ordinance creating a new board requires detailed County Manager's report for public hearing

_____ Housekeeping item (no policy decision required)

_____ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5 (A)
10-16-07

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE
THAT PORTION OF THE ALLEY WEST OF SW 87
AVENUE, BEGINNING 135 FEET NORTH OF SW 72
STREET NORTH FOR 150 FEET (ROAD CLOSING
PETITION NO. P-838)

WHEREAS, the County Commission held a public hearing to consider a petition to close that portion of the alley west of SW 87 Avenue, beginning 135 feet north of SW 72 Street North for 150 feet, as outlined in the accompanying petition and memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, (1) that the alleyway, street, road, highway or other place used for travel as described in the attached petition is hereby vacated, abandoned and closed, all rights of Miami-Dade County and the public in and to the same are hereby renounced and disclaimed, with the condition that an access easement be granted by the petitioner, as depicted in attached Exhibit "B", to allow vehicular and pedestrian traffic to exit and enter that portion of the alley that will remain open to the north of the subject property; (2) it is found that the action will serve a public purpose and benefit the public without violating private property rights; (3) that the procedure utilized in the adoption of this resolution is expressly ratified and approved; and (4) the Clerk is hereby directed to publish notice of the adoption of this resolution one time within thirty (30) days hereafter in a newspaper of general circulation of Miami-Dade County.

The foregoing resolution was offered by Commissioner
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:


Bruno A. Barreiro, Chairman	
Barbara J. Jordan, Vice-Chairwoman	
Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrian D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

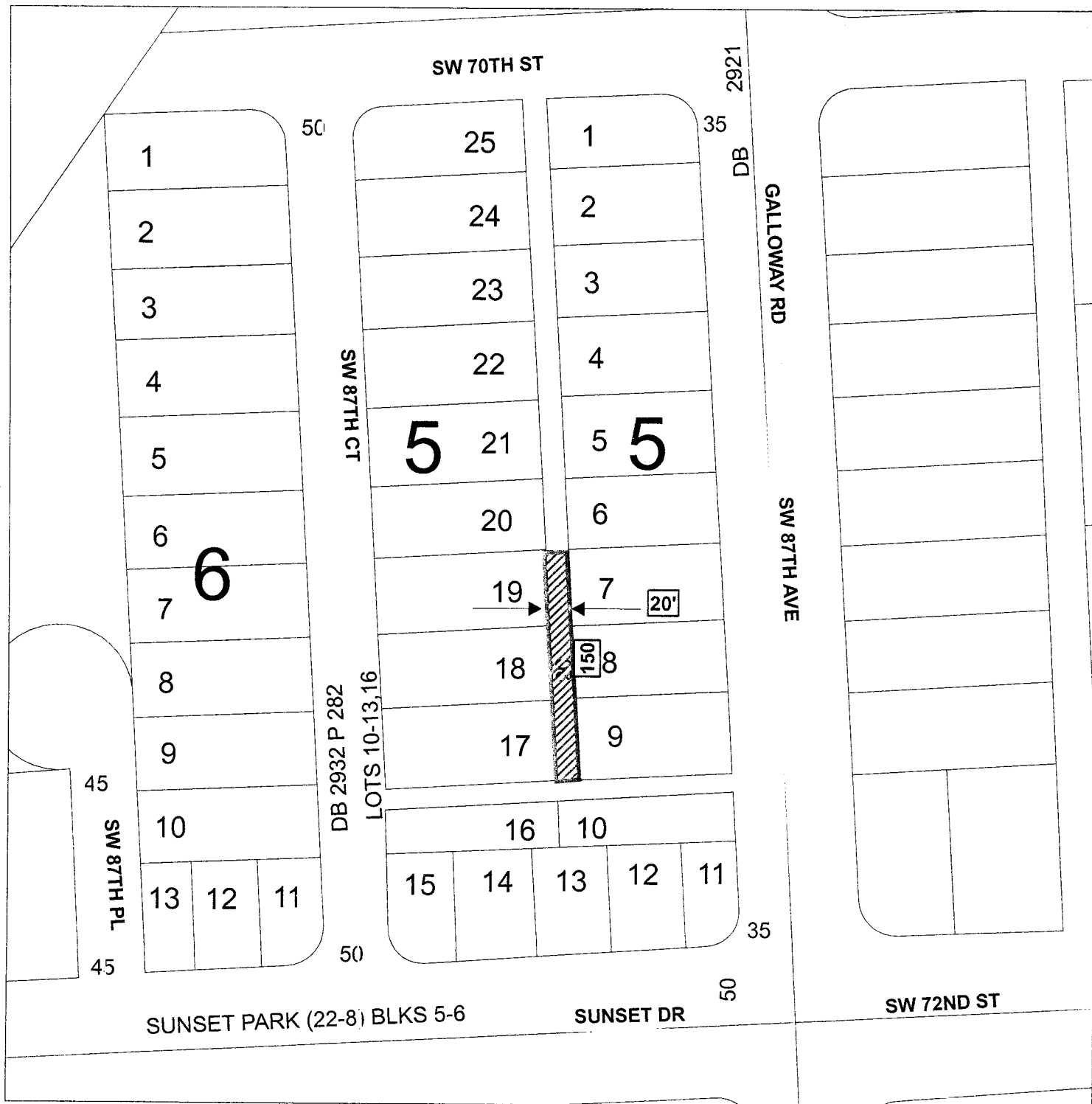
The Chairperson thereupon declared the resolution duly passed and adopted this 16th day of October, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. 
Thomas Goldstein



Legend



Road Closing



Lot Lines

P-838

6



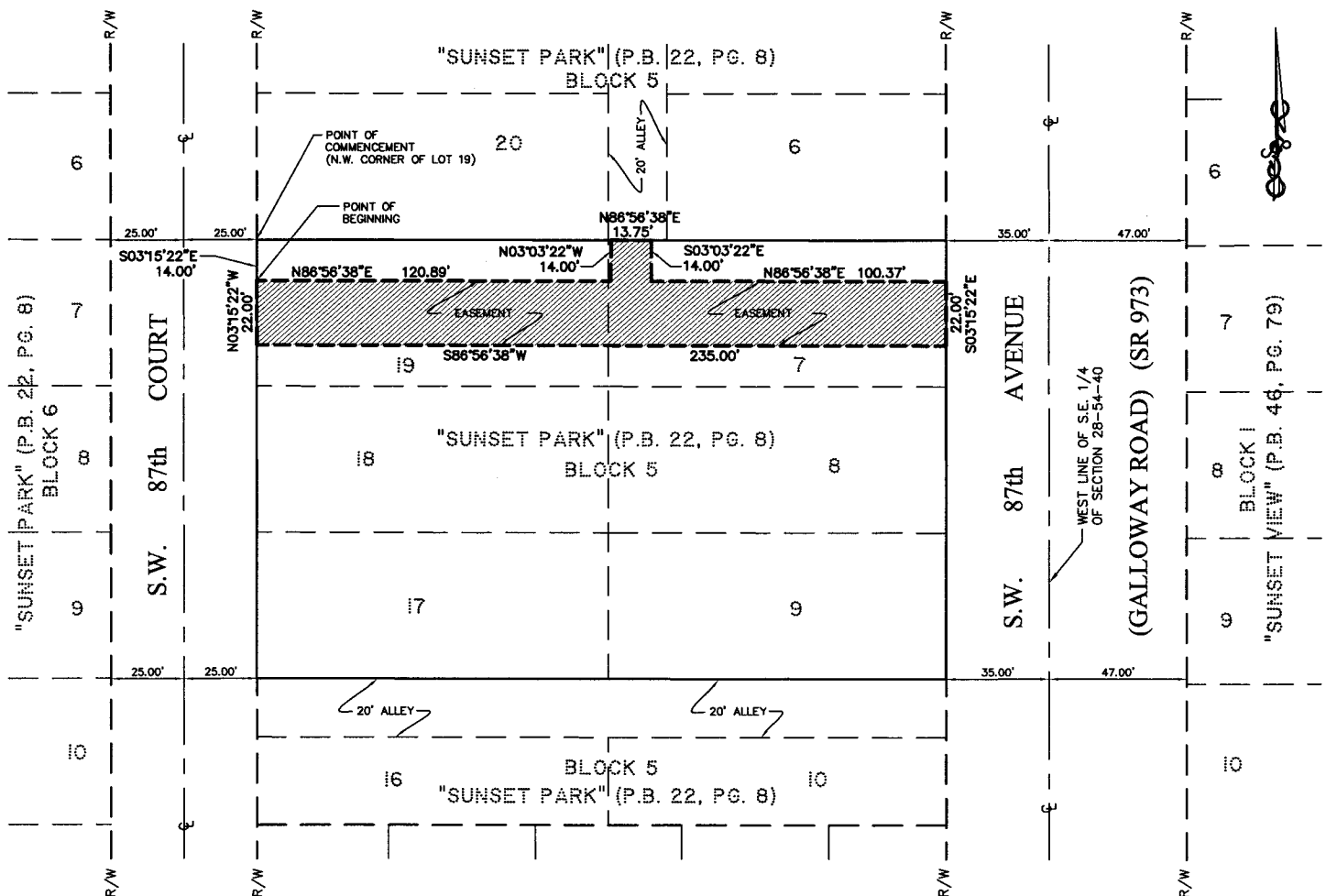
Yazmin Moreno
Senior Cadastral Technician
November 27, 2006

SKETCH OF EASEMENT

EXHIBIT "B"

LEGAL DESCRIPTION:

Commence at the Northwest Corner of Lot 19 of Block 5 of "SUNSET PARK", according to the Plat thereof as recorded in Plat Book 22 at Page 8 of Public Records of Miami-Dade County, Florida; thence run South 03°15'22" East along the Easterly Right-of-Way Line of S.W. 87th Court for a distance of 14.00 feet to a point on said Easterly Right-of-Way Line, also being the POINT OF BEGINNING; thence run North 86°56'38" East for a distance of 120.89 feet to a point; thence run North 03°03'22" West for a distance of 14.00 feet to a point; thence run North 86°56'38" East for a distance of 13.75 feet to a point; thence run South 03°03'22" East for a distance of 14.00 feet to a point; thence run North 86°56'38" East for a distance of 100.37 feet to a point on the Westerly Right-of-Way Line of S.W. 87th Avenue (Galloway Road, SR 973); thence run South 03°15'22" East along said Westerly Right-of-Way Line of S.W. 87th Avenue for a distance of 22.00 feet to a point on the Westerly Right-of-Way Line of S.W. 87th Avenue (Galloway Road, SR 973); thence run South 86°56'38" West for a distance of 235.00 feet to a point on said Easterly Right-of-Way Line of S.W. 87th Court; thence run North 03°15'22" West along said Easterly Right-of-Way Line of S.W. 87th Court for a distance of 22.00 feet to the POINT OF BEGINNING, containing an area of 5,362.53 square feet, more or less.



A PORTION THE SE 1/4 OF
SECTION 28-54-40

LEGEND

NOTES:
1. THIS IS NOT A SURVEY.
2. BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED MERIDIAN ALONG THE EAST LINE OF THE SE 1/4 OF SECTION 28-54-40, AS SHOWN.

P/L Property Line
R/W Right-of-Way Line

P.B. Plat Book
PG. Page

NO.	DATE	REVISION

Aviño & Associates
ENGINEERS • PLANNERS • SURVEYORS
1350 S.W. 57TH AVENUE
SUITE 307
WEST MIAMI, FLORIDA 33144
TEL: (305) 265-5030 • FAX: (305) 265-5033
CERTIFICATE OF AUTHORIZATION EB # 5098
CERTIFICATE OF AUTHORIZATION LB # 5098
E-MAIL: JAVINO@AVINOANDASSOCIATES.COM

GALLOWAY PROFESSIONAL CENTER
SKETCH OF EASEMENT
7

[Signature]
SEAL
GEORGE R. AVINO, PE, PSM

DRAWN BY: B.J.S.	SHEET
CHECKED BY: J.R.A.	1
DATE: 06/18/2007	OF 1 SHEETS
SCALE: 1"=60'	
JOB No.: 06137.00	

PETITION TO CLOSE ROAD

TO: Board of County Commissioners
Miami-Dade County, Florida

The undersigned, pursuant to Sections 336.09 – 336.12 Florida Statutes, hereby petitions the Board of County Commissioners to vacate, abandon, discontinue and close an existing public or private street, alleyway, road, highway, or other place used for travel, or a portion thereof, and to renounce and disclaim any right of the County and the public in and to any land in connection therewith; or to renounce and disclaim any right of County and the public in and to certain land, or interest therein, acquired by purchase, gift, devise, dedication or prescription for street, alleyway, road or highway purposes; or to renounce and disclaim any right of the County and the public in and to certain land delineated on recorded map or plat as a street, alleyway, road or highway.

The undersigned hereby certify:

1. LEGAL DESCRIPTION: The complete and accurate legal description of the road, right-of-way or land sought to be closed is as follows:

The West 20 feet of Lots 7,8 and 9, all in Block 5, of "SUNSET PARK" according to the plat thereof as recorded in Plat Book 22 at Page 8 of the Public Records of Miami-Dade County, Florida, in Section 28, Township 54 South, Range 40 East, containing 3,000 square feet, more or less.

Public Interest was acquired by Right-of-Way Deed to Dade County as recorded in Official Records Book 2921 at Page 323 of the Public Records of Miami-Dade County, Florida.

4. **ABUTTING PROPERTY OWNERS:** the following constitutes a complete and accurate schedule of all owners of property abutting upon or adjacent to the above described right-of-way. These firms or individuals have been advised in writing of the proposed closure.

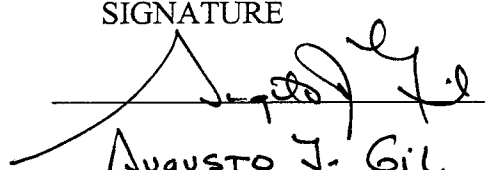
PRINT NAME	FOLIO NO.	ADDRESS
<u>Galloway Development</u>	<u>30-4028-002-007</u>	<u>7300 SW 93 Ave #210</u>
<u>Group, LLC</u>		<u>Miami, Florida 33173</u>
<u>Galloway Development</u>	<u>30-4028-002-0110</u>	<u>7300 SW 93 Ave. #210</u>
<u>Group, LLC</u>		<u>Miami, Florida 33173</u>
<u>Galloway Development</u>	<u>30-4028-002-0120</u>	<u>7300 SW 93 Ave. #210</u>
<u>Group, LLC</u>		<u>Miami, Florida 33173</u>

5. ACCESS TO OTHER PROPERTY: The undersigned certify that in the event this petition is granted no other property owners will be prevented from access to and from their property and no other property owners in the vicinity will be adversely affected.

6. GROUNDS FOR REQUESTING PETITION AND PROPOSED USE FOR THE LAND BY THIS REQUEST: The undersigned submits as a grounds and reasons in support of this petition the following (state in detail, why petition should be granted):

We are proposing to vacate a portion of the existing alley due to its underutilization and we are proposing to develop the entire site as one parcel in order to provide additional retail and office spaces for this underdeveloped are of Miami-Dade the requires it.

7. Signatures of **all** abutting property owners: Respectfully submitted,


SIGNATURE	ADDRESS
	<u>7300 SW 93 Avenue #210</u>
<u>Augusto J. Gil</u>	<u>Miami, Florida 33173</u>
<u>Managing Partner</u>	
<u>Galloway Development</u>	
<u>Group, LLC.</u>	

Address: _____
Signature of Attorney not required)

[illegible]

(Signature of Petitioner)

1st day of November, 2006

 **BENIGNO SUAREZ**
MY COMMISSION # DD 234248
EXPIRES: September 26, 2007
1-800-3-NOTARY FL Notary Discount Assoc. Co.

My Commission Expires: _____